

Code Consistency Council 2/20/14 Minutes

Attending:

John Leyden – Building Commissioner – Co-Chair

George Calise - RIAGC

Derrick Pelletier – Dept. Regulatory Reform

Roger Peters – Robinson & Cole – Attorney Bld. & Construction

Scott Baytson – Van Anthony – DLT

Ben Anthony - DLT

Virginia Hesse – RI Historical Preservation

James Boyd – RI CRMC

Jeff Willis – RI CRMC

Andy Manca – RI DEM

Terry Gray – RI DEM

Cyndi Gerlach – RGB – AIA RI

**Nancy Scarduzio – Dept. Management & Budget Sm. Buss.
Ombudsmen**

Wayne Pimental – League of Cities & Towns

Frank Silvia - Capt. Fire Prevention Prov. – League of City & Town

Sean Egan – Chief Elevator Inspector – DLT

Steve Olsen - Olsen Eng. – Structural Eng. Assoc.

Len Bradley – Deprite Eng. – Environmental Engineer

Co-Chair Leyden opened the meeting at 1:03.

Special guests representatives from DEM (Andy Manca & Terry Gray) and CRMC (James Boyd & Jeff Willis) to explain the permitting process they have in their agency. Terry from DEM explained the volume - 20 major regulatory permitting broken to 3 categories – registrations, permits and major source permit. Middle category is where time crunch is. Process 2,600 to 2,700 a year of them 1,800 are septic system permits. If pick threshold for all the permits their goal is to issue a decision within 60-90 days. They have mandatory notice periods in them which adds to the clock, it's an opportunity for public comment.

Council said they wanted to look at interface between building, fire, and permitting and frustrations expressed around who gets first – what about concurrent review and looking at time line specifically. What was brought up that SFM has mandated time lines in law do you have that. You have a notice thing, is that a mandate?

DEM - Yes usually the public notice period is mandated to be a certain length of time but not triggered till prepared to issue decision on the application. There is a lot of give and take in our permitting process to resolve questions and if you put a mandatory time line into a process and the give and take is going to suffer and what you're going to get is a denial rather than try to work out the issues that make a project feasible. If they don't get time to work out an anomaly the agency will be forced to go with denial and the applicant can re-apply and there are transaction costs and time that goes into

that. DEM Director has pushed to customer service and work with the applicant to get the yes.

Council spoke about expedited permitting process that had been implemented and was there anything the dept. learned from lean and from Ron's group in moving permits that could be adapted to other reviews to help expedite other permits.

DEM said they have office of customer technical assistance Ron Gagno's office and they offer the applicant the opportunity to come in and conceptually work on the permits they are informed that they need XYZ permits. What they found with all of these processes it's important to get out and look at the project. Public notice issue, in some programs work on an application till they completed review, no more questions no more issues and then out to public notice. In most you have a 10 – 15 day dead time, few of our permits get public comment. Lesson learned they got substantial amount of review done to point where project mgr comfortable with it and presented, then go out to notice and project mgr complete his review while out to notice and have parallel processing and saves a few days in over all system.

Council said have worked with DEM and CRMC for many years and over last 5 years dept. eager to work with us and eliminate redo and waste and a lot of time apps are incomplete and if incomplete better for us to get a phone call rather than wait for a letter.

Council is there a way of identify certain applications that you don't need final approval you but could still go ahead with site work? Deadlines had been signed so we need to know if there is a way to identify so you can start site work and it won't affect much for tight schedules.

DEM - there are 3 applications that you should do before putting a shovel in the ground. One is related to financing, the wet lands permit, the final is if it's over an acre to get the storm water issue, that's the ripties permit.

Council is there a process where you could start a projects foundations without having a full approval on a ripties or other project.

DEM If it's less than and acre then it's non jurisdictional if it's over a acre then it's a general permit and you are supposed to go through the process there is no way out of it at this time.

Council talked about it in other meetings that building and fire will go ahead when there is tight schedules and start review rather than wait for one division to finish.

DEM spoke convening a group of developers that work in the state, a map the land dev. process in RI. We could spell out what goes on to

make a project a reality and understand collectively where our agencies touch that process and all get off the critical path. We would be willing to undertake if interested and bring in a group we have a consultant on contract that could facilitate that and come up with the mapping.

Council agreed to do this.

CRMC spoke about there process. There are a vast majority of applications that come in we accepted over 1600 are a category A and there are category A and B. Cat A is administrative and cat B full council. It sits as a council twice a month and hears these cat B applications. In 2013 according to these #'s there were less than 1% cat B so that means 99% were permitted administratively and that means review times are that much less. Cat B have to go out to 30 day public notice and a lot of give and take with the applicants and we are trying to figure out a way to say yes and those review times are a minimum of 90 days. Vast majority of Cat A are within days. Most of the activities we receive are maintenance or improvements to existing and they are minor so we can issue over the counter permits 20 min to a day or two. Ones more complicated and don't know site constraints I don't want you to take a chance and take a shovel to the ground.

Council is there any types of applications where it is just formalizing and sending it where an approval can be given.

DEM I think that is where the 195 district permits are designed. We have done some experimentation with pad ready permitting for Quonset point. Look at land and determine what needs to be done with storm water management wetlands protection and site assessment all done. If developer comes in on that land and build within constraints they are all pre permitted and that is a big time saver.

For large complicated projects we will put in writing to applicant what the issues are relative to what you are presenting and make preliminary determination process a requirement for dredging application. A lot of water quality issues, disposal issues, operation maintenance issues that need to be figured out ahead of time. We do a joint notice with DEM on all dredging projects.

Council - We want to come to recommendations - we have talked about hard time lines, they don't work as it causes issues with customer service it does not let you work back and forth with people, pre application there are complications as well. Lean seems to work real well, inter agency with lean works well but bouncing back and forth seems to be the difficulty there, where does it goes. Council come to recommendation that there should be inter agency stream lining with process flow using lean and a committee should be formed to do that. To map out what someone would have to do if a building project who they have to talk to. Take lean process and

extend back to get your front half have where it comes from and your back half of where it goes. Does that sound like a recommendation?

CRMC they have a lean process there, maybe some projects that are in both of their jurisdiction and they can get DEM involved. A lean recommendation would be fine.

Council - time line with municipalities rather than deny it you should have a mechanism where you can grant extensions. Has CRMC and DEM looked at this? All regulations with regards to the environment when you go on to DEM and CRMC website there are a lot of regulations, air, solid waste, septic, storm water and there are some that overlap has either dept. looked at a way to stream line them to make it easier for the consumer to understand. A lot of people go to develop a piece of property and have no idea where to start and there are sometimes a hidden regulation that sets them back.

CRMC has a guidance document that is probably out of date that has questions what do you want to do, where do you want to do it, what do you need to do that walks you through the process that probably needs to be updated. Time line issue, we are a quasi conditional board so as soon as app needs to be heard in front of our council not administratively all time lines fall through as we act as a court. If there are continuances, etc. it extends the time.

DEM - Completeness review what came out of lean, we need a single

place to accept permits in DEM so they are building a permit application center and all applications will come in through that no matter what the scope. Staff at that desk will be trained to go through a general completeness review and their goal is within 24 hrs to get back to the applicant and say we have all the pieces and they are being transferred to the experts for review. Jeff mentioned the guidance document of when you need a permit when you don't what kind you need. If we could put together a decision system you could probably advise applicants up front what kind of permits they need to do a project. Mapping the development process if you want to move forward they will pay for it, they have grant from RI foundation to improve business processes and they want them to reach out and work with other agencies.

Council – Are there fees associated with these applications? Do they go in the general funds?

DEM – CRMC Yes

Council – Maybe a percentage should go back to each department to get projects out and outreaching/education to business to learn about path to get permits. Have a restricted receipt account.

Co-chair talked about schedule of meetings, draft recommendations and get out to full council for your thoughts and then send to legislature. Purpose of council is to discuss conflicts that are in both

codes, the building code is trying to get away from Rehab and go with international existing building code and work out conflicts between building and fire and put together with RI amendments to the national existing building code. Scott from SFMO and Warren from building are meeting to work these out.

Council - Co-chair Chartier had asked for each one from each organization to come back with one thing and resolve each one.

Co-chair Leyden - Come into next meeting with what you have and at next meeting create final list of conflicts include specific code codes sections from each code and how they conflict. We can make a list of recommendations by March 31st to speaker of the house and president of the senate. E-mail conflicts to Jack Leyden if you would like. There was a question as to next meeting date due to conflicts will date email out to council. Thank you DEM and CRMC for attending.

Meeting adjourn 2:15